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Attorney for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
SAMUEL DAVIS,)
SHAWN RICE)
Defendant.)

CR-S-09-078-JCM(RJJ)

**STIPULATION TO CONTINUE
TIME SET FOR SENTENCING**

IT IS HEREBY STIPULATED AND AGREED by and between Defendant, SAMUEL DAVIS, by and through his counsel, TODD M. LEVENTHAL, ESQ., and the United States of America, by its counsel, DANIEL G. BOGDEN, United States Attorney and GREGORY DAMM, Assistant U.S. Attorney, that the sentencing hearing currently set for October 13, 2011 be vacated and reset at the earliest court's convenience, preferably not on a Friday

This Stipulation is entered into for the following reasons:

1. A pre-sentence report was disclosed to counsel on May 10, 2011.
2. Defense counsel needs additional time to review the report and make any objections to said report.
3. Defense counsel will be out of the Country between October 12, 2011 and returning on October 22, 2011
4. Mr. Davis is currently not in custody and he has no objection to this continuance.
5. Counsel has spoken to Mr. Gregory Damm and he has no objection to this continuance.

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6. The additional time requested by this Stipulation is not for purposes of delay but rather to allow the parties ample time to prepare for sentencing.

DATED this 3rd day of June, 2011.

-S-
TODD M. LEVENTHAL, ESQ.
Counsel for defendant

-S-
GREGORY DAMM, ESQ.
Assistant U.S. Attorney

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FINDINGS OF FACT

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. A pre-sentence report was disclosed to counsel on May 10, 2011.
2. Defense counsel needs additional time to review the report and make any objections to said report.
3. Defense counsel will be out of the Country between October 12, 2011 and returning on October 22, 2011
4. Mr. Davis is currently not in custody and he has no objection to this continuance.
5. Counsel has spoken to Mr. Gregory Damm and he has no objection to this continuance.
6. The additional time requested by this Stipulation is not for purposes of delay but rather to allow the parties ample time to prepare for sentencing.

ORDER

Accordingly, IT IS SO ORDERED that the October 13, 2011 hearing is vacated and the same is continued and reset for _____, 200__, at the hour of _____ a.m., in courtroom #_____.

Dated this _____ day of October, 2011.

DISTRICT COURT JUDGE